

DEVIN DERHAM-BURK #104353
CHAPTER 13 STANDING TRUSTEE
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Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5

In re:

Phan Ngoc Pham

Chapter 13
Case No. 22-50306SLJ

TRUSTEE'S OBJECTION TO
CONFIRMATION WITH CERTIFICATE OF
SERVICE

341 Meeting Date: May 23, 2022 @ 9:30AM
Pre-Hearing Conference Date: June 9, 2022
Pre-Hearing Conference Time: 9:55AM
Place: Telephonic or Video Only
Judge: Stephen L. Johnson

Debtor(s)

Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this Plan for the following reasons:

1. The Plan is not feasible pursuant to 11 U.S.C. §1325(a)(6) because the Debtor is proposing to pay a total of \$21,000.00 and this is not enough money to pay all scheduled and/or filed secured, priority, administrative, and any general unsecured claims plus trustee's fees. As of the date of this objection, and based on the Trustee's review of scheduled and filed claims, the Debtor would need to pay \$25,200.00. **This amount can change *daily* because it is derived from many variables including the amounts stated**

1 on filed claims, changing treatment of claims in amended plans, objections to claims,
2 additional attorneys fees and changing trustee's fees. The actual amount of money
3 needed to complete the plan cannot be determined until after the plan is confirmed
4 and all claims are filed and allowed. The Trustee is providing the above number to
5 assist the Debtor in understanding why the plan is not feasible at this time. The
6 number does not represent an actual payoff for the case and cannot be relied upon
7 for any purpose other than to demonstrate lack of feasibility.
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- 9 2. The Debtor failed to provide copies of income tax returns prior to the 11 U.S.C. §341
10 meeting of creditors. *See separate objection point.* So that the Trustee can verify that the
11 copies that the Debtor will provide are true and correct copies of the returns that were
12 provided to the taxing agencies, the Trustee requests that the returns provided to the
13 Trustee be attached to a declaration signed by the Debtor stating under penalty of perjury
14 that the returns being provided are true and correct copies of the returns that the Debtor
15 submitted to the taxing authorities.
16
- 17 3. The Debtor has not provided the Trustee with pay advices required by General Order 32
18 and/or with federal and state income tax returns (and W-2's if applicable) required to be
19 filed for the most recent tax year ending before the commencement of the case. Because
20 these documents have not been provided, the Trustee cannot perform the analysis needed
21 in order to determine whether the tests for confirmation in 11 U.S.C. Sections 1325(a)
22 and (b) are met. Until these documents are provided, the case will not be analyzed. In
23 addition, the Trustee requests Debtor provide a declaration, signed under penalty of
24 perjury, stating that the tax returns, once provided, are true and accurate copies of the
25 documents submitted to the taxing authorities.
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1 4. The Debtor is not in compliance with 11 U.S.C. §521(a)(1)(B)(iii). Debtor failed to list
2 his/her year to date gross yearly income as well as his/her gross yearly income for the two
3 years immediately preceding the filing of the bankruptcy under Question 4 of the
4 Statement of Financial Affairs. An Amended Statement of Financial Affairs must be
5 filed to provide this information.
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9 Dated: May 19, 2022

/S/ Devin Derham-Burk

10 Chapter 13 Trustee
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Said envelopes were addressed as follows:

Law Offices of Phuc Dinh Do
181 S King Rd
San Jose, CA 95116

13	<div style="text-align: right;"><u>/S/ Lesley Pace</u></div> <div>Office of Devin Derham-Burk, Trustee</div>
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